

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 21, 2004

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J., and Joyce Hatter, Deputy Clerk.

Each of the following:

B166785 People v. Ponce
B168020 People v. Baker
B168303 People v. Rocha
B168688 People v. Gomez and Perry
B161921 Goodman v. Tickets.com
B172182 People v. Carrillo
B174543 Stacy G. v. SCLA
B170580 DCFS v. Daniel D.
B174724 Rebecca N. v. SCLA
B175002 Darrin P. v. SCLA

Argument waived, cause submitted.

B168136 Carvajal et al.
 v.
 Johnson

Merits:

Argued by J. Bernard Alexander, III, for appellants and by Walter L. Gordon for appellant. Cause submitted.

DIVISION TWO (Continued)

B167701 Singleton, et al.
 v.
 Ferolito, Vultaggio & Sons et al.

Merits:
Argued by Paul C. Cook for respondents and by Kevin J. Tully for
appellants. Cause submitted.

B167757 Capital Salvage et al.
 v.
 Chicago Title Company

Merits:
Argued by Jerry K. Staub for appellants and by Robert L. Wallan for
respondent. Cause submitted.

B159252 McGinest
 v.
 Verizon California, Inc., et al.

Merits:
Argued by Gerald M. Serlin for appellant and by Thomas P. Brown for
respondents. Cause submitted.

B164376 Copelco Capital et al.
 v.
 Johnson et al.

Merits:
Argued by Stephen M. Spinella for respondent Copelco Capital, Inc., and
by Anthony G. Chavos for respondent Props and Chernack and by James T.
Ryan for appellants. Cause submitted.

DIVISION TWO (Continued)

B164011 Schapiro
 v.
 Morgan Creek Productions, Inc., et al.

Merits:
Argued by Bert H. Deixler for appellant and by George P. Schiavelli for appellants. Cause submitted.

B162681 Suh
 v.
 Dong Won Securities, Co., Ltd.

Merits:
Argued by Thomas E. Kent for respondent and by Nate G. Kraut for appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J., and Joyce Hatter, Deputy Clerk.

B164827 Asfall
 v.
 City of Los Angeles et al.

Merits:
Argued by Larry J. Roberts for appellant and by Kim R. Westhoff for respondents. Cause submitted.

B170101 People
 v.
 Canada

Merits:
Argued by Analee J. Brodie, deputy attorney general, for respondent and by Ava Stralla for appellant. Cause submitted.

DIVISION TWO (Continued)

B163194 Johnson, et al.
 v.
 Torrance Memorial Medical Center et al.

Merits:
Argued by Edwin Warren for appellants and by Laura C. McLennan for respondent Torrance Memorial Medical Center and by David P. Pruett for respondent Medical Group of Women. Cause submitted.

B169824 Brenda S.
 v.
 S.B.

Merits:
Argued by David M. Livingston for appellant and by John A. Tkach for respondent. Cause submitted.

B166820 Klippi
 v.
 Lord, Bissell & Brook et al.

Merits:
Argued by Lauren K. Teukolsky for appellant and by Christine T. Hoeffner for respondents. Cause submitted.

B167096 Oficina de Ideias Comunicacao and Marketing
 v.
 Banner Promotions, Inc.

Merits:
Argued by Mark MacCarley for appellant and by Richard T. Williams for respondent. Cause submitted.

DIVISION TWO (Continued)

B169430 Landfill & Ecology Corp., et al.
v.
Browning-Ferris Industries of California et al.

Merits:

Argued by Leonard S. Sands for appellants and by Thomas M. Bruen for respondent Browning-Ferris Industries of California and by Juliet Markowitz for respondent BKK Corporation. Cause submitted.

Court adjourned.

B159750 People (Certified for Publication)
v.
Salas and Patrick

The judgment against Salas is affirmed. The judgment against Patrick is reversed and the matter remanded for his retrial.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

DIVISION THREE

B168186 Ames Construction et al. (Not for Publication)
v.
City of Los Angeles

The judgment is reversed with directions to the superior court to vacate its order granting the motion for judgment on the pleadings and enter a new order denying the motion and granting Plaintiffs leave to amend the complaint. Plaintiffs are entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

June 21, 2004 (Continued)

DIVISION THREE (Continued)

B172774 People v. Payne (Not for Publication)

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B165980 People (Not for Publication)
v.
Bobadilla

The section 12022 arming enhancements on counts 2 and 3 are vacated, and the case is remanded for resentencing. After resentencing, the trial court shall prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B174725 Ericka M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B154311 Peggy J. Soukup
 v.
 Ronald C. Stock

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION SEVEN

B166718 People (Certified for Partial Publication)
 v.
 Overby

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B171056 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Gerald T.

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

June 21, 2004 (Continued)

DIVISION SEVEN (Continued)

B170557 People (Not for Publication)
v.
Wilson

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B169655 Los Angeles County, D.C.S. (Not for Publication)
v.
Roshanda R.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B165597 People (Not for Publication)
v.
Vasquez

The order finding Vasquez in violation of probation is reversed and his sentence is vacated. No further proceedings are necessary; probation is terminated by operation of law.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

June 21, 2004 (Continued)

DIVISION SEVEN (Continued)

B172147 People (Not for Publication)
v.
Goodlow

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B169432 Garberich (Not for Publication)
v.
Dept. of Motor Vehicles

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B174049 Salaier J. (Not for Publication)
v.
Superior Court, Los Angeles County

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

June 21, 2004 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B168270 People (Not for Publication)
v.
Allen

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B166114 People (Not for Publication)
v.
Carcamo

The judgment is modified to strike the 10-year stayed criminal street gang enhancement imposed under section 186.22, subdivision (b)(1) on the murder conviction in count one. The clerk of the Superior Court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B165117 People v. Young (Not for Publication)
B169766 In re Harrison H. Young on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B162487 Concrete Tie Industries, Inc. (Not for Publication)
 v.
 Chodos et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B163475 Kelley (Not for Publication)
 v.
 Kukreja

The judgment is affirmed. Each party to bear their own costs.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B171328 Los Angeles County, D.C.S. (Not for Publication)
v.
Brett B.

The dispositional order requiring appellant to submit to random alcohol testing is affirmed, and the order requiring appellant to submit to random drug testing is reversed. This matter is remanded to the juvenile court. On remand, the juvenile court is directed to order respondent to conduct such further investigations into appellant's alleged drug use as the juvenile court deems necessary and make such further orders as the juvenile court deems necessary and appropriate.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B170831 Hancock, et al. (Not for Publication)
v.
Superior Court, Los Angeles County,
(American West Homes, Inc., et al., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order setting this case for a court trial on American West's fraudulent inducement claim and to enter a new order that the claim be tried to a jury. In all other respects, the petition is denied. Defendants are awarded their costs incurred in bringing this petition.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J. w/opinion